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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ED ROMAN,

2:09-CV-1476 JCM (LRL)

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Plaintiff,

v.

BERNIE (BERNARD) CHASE, et al.,

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Defendants

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ORDER

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Presently before the court is plaintiff Ed Koman's application for default judgment as against non-answering defendant William Harger. (Doc. # 40).

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for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Rule 55(b)(2) provides that "a court may enter a default judgment *after* the party seeking default applies to the clerk of the court as required by subsection (a) of this rule."

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22 has failed to do so, instead submitting a motion for default judgment. Because plaintiff has not
23 followed proper procedure as required under the Federal Rules, his motion for default judgment is
24 denied without prejudice.

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1 || Accordingly,

IT IS HEREBY ORDERED ADJUDGED AND DECREED that plaintiff's motion for default judgment (doc. #40) be, and by the same hereby is, DENIED.

4 || DATED August 9, 2011.

UNITED STATES DISTRICT JUDGE